

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

GARY SMITH,

Plaintiff,

vs.

DANSONS US, LLC and WALMART, INC.,

Defendants.

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Case No.: _____

**NOTICE OF REMOVAL TO UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA, NEW ALBANY DIVISION**

Defendant, Dansons US, by counsel, pursuant to the provisions of 28 U.S.C. §§§1441(a) and 1446, hereby gives notice of the removal of this cause of action from the Harrison Circuit Court to the United States District Court for the Southern District of Indiana, New Albany Division, and in support thereof, states:

1. On July 7, 2022, Plaintiff Gary Smith initiated the above-captioned Complaint with the Circuit Court of Harrison County, Indiana, against Dansons US, LLC (“Dansons”) and Walmart, Inc., under Cause No.: 31C01-2207-CT-16. A copy of Plaintiff’s Complaint is attached hereto as Exhibit A.

2. On July 15, 2022 Dansons’ filed an Appearance of counsel and Initial Motion to Enlarge Time. A copy of the Appearance and Order granting the enlargement of time is attached hereto as Exhibit B.

3. Dansons has yet to file and Answer in this case.

4. Defendant Walmart, Inc., has yet to file an Appearance in this matter.

5. This litigation involves a products liability incident that occurred on or about August 7, 2021.

6. Plaintiff Gary Smith is a resident of Corydon, Harrison County, Indiana.

7. Defendant Dansons is a foreign corporation incorporated and organized under the laws of the State of Arizona with its principal place of business in Arizona.

8. Defendant Walmart, Inc., is a foreign corporation incorporated and organized under the laws of the State of Delaware, with its principal place of business in Arkansas.

9. Based on the respective citizenship of the parties in this matter, complete diversity exists in this case.

10. Counsel for Plaintiff has advised that damages claimed exceed \$75,000.

11. Based on the foregoing, this action is one in which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332(a) and which is removable pursuant to the provisions of 28 U.S.C. §1441(a) and 28 U.S.C. §1446.

12. Notice of the filing of the Notice of Removal has been sent to Plaintiff's counsel and has been filed with the Harrison County Circuit Court, Indiana.

WHEREFORE, Defendant, Dansons US, LLC, by counsel, respectfully requests this civil action be removed from the Circuit Court of Harrison County, Indiana, that this Court accept jurisdiction over this action, and proceed before this Court as an action properly removed.

Respectfully submitted,

SCHULTZ & POGUE, LLP

By: /s/ Thomas R. Schultz
Thomas R. Schultz, #11670-49
Stacey A. Everton, #36823-32
Counsel for Defendant,
Dansons US, LLC,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was electronically filed and duly served this 2nd day of August, 2022, to:

Gregory Lawrence Crutcher
LOUISVILLE INJURY LAW FIRM, PLLC
700 Executive Park, Suite 717
Louisville, KY 40207

/s/ Thomas R. Schultz

Schultz & Pogue, LLP
520 Indiana Avenue
Indianapolis, IN 46202
(317) 262-1000
F: (317) 262-9000